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DEPARTMENT OF AGING

Choice, Independence and Dignity for Older Marylanders

2014 Maryland General Assembly Session Wrap-Up

Budget

The 2014 Legislative Session was dominated by issues that included medical marijuana and the decriminalization of small amounts of marijuana; an increase in the minimum wage, film tax credits, bail reform and distracted driving. The State's budget experienced a series of unexpected shortfalls, but the Department's budget and state funding for the programs serving older adults remained intact, with small increases in two programs and restoration of funding to the Maryland Access Point Program.

The Senior Assisted Living Group Home Subsidy (SALGHs) received an \$11,000 increase and Senior Care a \$58,000 increase. These increases can mean more older adults don't have to enter a costly nursing facility. The Maryland Access Point Program received \$125,000 after having been omitted in the FY 2014 budget.

SALGHs provides low and moderate-income seniors with access to assisted living facilities and the state funding the Department receives is used to help subsidize eligible residents who might otherwise be placed in nursing facilities. Likewise, the Senior Care program provides coordinated, community-based in-home services to seniors with disabilities who are at risk of nursing home placement. Maryland Access Point is the single-entry-point for long term care information and services and provides supportive counseling to assist individuals to remain independent and in the community.

Legislation Passed into Law

HB100

Entitled: *Dental Hygienists - Practice in Long-Term Care Facilities - Repeal of Termination Date*

Summary: This bill repealed the sunset date for a program through which dental hygienists practice in long term care facilities under the supervision of a dentist. The bill made this a permanent program.

HB106

Entitled: *Senior Prescription Drug Assistance Program - Sunset Extension*

Summary: The SPDAP program provides Medicare Part D premium and coverage gap assistance to moderate-income Maryland Medicare beneficiaries who are enrolled in a Part D prescription drug plan. SPDAP provides premium subsidies to many older

adults who are living on a fixed income. This bill extended the termination date of this program for another two years.

HB590

Entitled: Maryland Medical Assistance Program - Waivers - Consolidation and Repeal

Summary: This Departmental bill (Department of Health and Mental Hygiene) consolidates the Medicaid Living at Home Waiver and the Medicaid Waiver for Older Adults Waiver into the Community Options Waiver. The consolidation of these waivers is intended to create consistency between waiver services and more efficient administration of the waiver. Under the Community Options Waiver, participants will have the option of choosing their case management provider from among several qualified services.

HB0710

(SB483)

Entitled: *Labor and Employment - Nursing Homes and Health Care Facilities – Workplace Safety Assessment and Safety Program*

Summary: This bill requires nursing homes that are licensed for 45 or more beds to assign to an appropriate committee the task of conducting an annual assessment of “workplace safety” issues and making recommendations to the nursing home for reducing workplace injuries. Likewise, a health care facility must establish a workplace safety committee, which must establish and administer a workplace safety program that is appropriate for the size and complexity of the health care facility.

HB723

Entitled: *Money Transmission - Protection From Financial Abuse, Financial exploitation, and Fraud - Requirements*

Summary: “Money Transmission” is the business of selling or issuing payment instruments or stored value devices, or receiving money electronically or through the Internet- A telegram is one example. This bill requires a licensee that engages in the business of money transmission to provide training materials to agents on how to recognize financial abuse and financial exploitation of older adults.

SB98

Entitled: *Health Insurance - Medicare Marketing Rules*

Summary: This bill requires insurance producers to comply with the federal Medicare Marketing Guidelines, including prohibitions against door-to-door solicitations, approaching Medicare beneficiaries in common areas and telephone or electronic solicitations.

HB179

Entitled: *Adult Public Guardianship Review Board - Membership*

Summary: This bill alters the membership requirements for adult public guardianship review boards. The bill specifies that the nurse member must be a registered nurse rather than a public health nurse. The bill also alters the physician membership requirement by (1) establishing that one of the members must be a physician assistant, nurse practitioner, or a physician other than a psychiatrist and (2)

repealing the requirement that the psychiatrist member must be employed by the local health department.

Bills Not Passed into Law

HB271

(SB276)

Entitled: *Continuing Care Retirement Communities - Continuing Care Agreements - Actuarial Studies*

Summary: This bill would have altered the contents of a renewal application for a continuing care retirement community by requiring that actuarial studies reviewed by qualified actuaries be submitted at least every 3 years and 5 years for specified continuing care agreements.

HB273

(SB262)

Entitled: *Mental Health and Substance Use Disorder Safety Net Act of 2014*

Summary: This bill would have required several state agencies, including the Maryland Department of Aging, to establish and implement several programs and provide various services to eliminate gaps in the State's mental health, substance abuse and behavioral health safety net. For example, the Department of Aging would work with the Mental Hygiene Administration to implement a geriatric behavioral health specialist program in each county to assist caregivers, older adults and others in navigating the system. Maryland Access Point (MAP) would have been utilized as an important resource for information and assistance regarding long term services and supports.

HB0935

(SB505)

Entitled: *Task Force on Family Caregiving and Long-Term Supports*

Summary: This legislation would have established a Task Force on Family Caregiving and Long-Term Supports; providing for the composition of the Task Force; prohibiting a member of the Task Force from receiving specified compensation, but authorizing the reimbursement of specified expenses; requiring the Task Force to make recommendations for legislative and administrative action relating to family caregiving; requiring the Task Force to report specified recommendations to the Governor and the General Assembly on or before January 31, 2015; etc.

SB13

Entitled: *Long-Term Care Ombudsman Program Advisory Committee*

Summary: This bill would have established the Long-Term Care Ombudsman Program Advisory Committee; providing for the purpose and the membership of the Advisory Committee; requiring the Advisory Committee to submit a specified annual report; providing for the terms of the members of the Advisory Committee; requiring the Office of the Long-Term Care Ombudsman to staff the Advisory Committee; etc.

HB1072

Entitled: *Nursing Homes and Assisted Living Facilities - Sex Offenders*

Summary: This bill would have required a registered sex offender who applies for admission to a nursing home or an assisted living program to provide a specified notification to the nursing home or assisted living program during the admission process; adding to the information to be included in a registration statement; prohibiting a facility from knowingly employing an identified registrant; authorizing a facility to decline admission to an identified registrant.

Legislation Involving Registries (not passed into law)

HB 379

Entitled: *Criminal Procedure - Vulnerable Adult Abuse Registry*

Summary: This bill would have established a vulnerable adult abuse registry; requiring the Department of Health and Mental Hygiene to establish and maintain a registry containing the names of specified individuals; requiring that names and information contained in the registry be available for public inspection; authorizing the Department to discharge specified responsibilities in a specified manner; requiring a State agency that makes a specified finding to notify the Department in a specified manner.

HB532

(SB432)

Entitled: *Department of Health and Mental Hygiene - Database of Direct Access Employees - Establishment*

Summary: This bill would have required the Department of Health and Mental Hygiene to establish a database of direct access employees; requiring the database to include specified information on all direct access employees in the State; establishing the purpose of the database; requiring each adult dependent care program to submit to the Department, for inclusion in the database, specified information on each newly hired direct access employee and periodically update the information.

HB1377

(SB349)

Entitled: *Office of Health Care Quality - Abuser Registry Workgroup*

Summary: This bill would have required the members of the Abuser Registry Workgroup in the Office of Health Care Quality to elect a chair; requiring the Office of Health Care Quality to submit a specified report to the Governor, specified legislative committees, and the members of the Workgroup; and extending the termination date of the Workgroup.

HB1511

Entitled: *Department of Health and Mental Hygiene - Adult Dependent Care Providers - Maryland Background Check Program*

Summary: This bill would have established the Maryland Background Check Program in the Department of Health and Mental Hygiene; providing for the purpose of the Program; requiring an adult dependent care provider to obtain a specified fitness determination from the Program for specified employees; requiring an adult dependent care provider to require specified applicants to submit specified documentation and to submit to a preliminary screening and a State and national criminal history records check to obtain a specified fitness determination.

Legislation involving Vulnerable Adults (not passed into law)

HB 375

(SB177)

Entitled: *Crimes - Elder Abuse or Neglect - Increased Penalties*

Summary: This bill would have increased the penalties for the crime of causing abuse or neglect of a vulnerable adult in the first or second degree.

HB 382

(SB182)

Entitled: *Crimes - Elder Abuse or Neglect - Restrictions on Pretrial Release*

Summary: This bill would have prohibited a District Court commissioner from authorizing the pretrial release of a defendant charged with causing abuse or neglect of a vulnerable adult in the first or second degree; providing that a judge may authorize the pretrial release of the defendant on specified conditions.

HB1371

Entitled: *Criminal Procedure - Financial Crimes Against Vulnerable and Elder Adults – Petition to Freeze Assets*

Summary: This bill would have authorized a State's Attorney to file a petition to freeze assets of a defendant charged with a specified financial crime involving a vulnerable or elder adult under specified circumstances; requiring that a petition to freeze assets be served in accordance with the Maryland Rules and include specified information; requiring that a petition to freeze assets be mailed to specified lienholders and specified financial institutions.

HB724

(SB 435)

Entitled: *Civil Actions - Damages for Crimes Against Vulnerable or Elderly Adults – Standing*

Summary: This bill would have authorized the Attorney General to bring a civil action for damages against a person who violates specified provisions of criminal law on behalf of a specified person providing that a specified criminal conviction is not a prerequisite for maintenance of an action under the Act; providing that the Attorney General may recover specified damages under the Act.